

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALIVECOR, INC.,  
Plaintiff,

v.

APPLE, INC.,  
Defendant.

Case No. 21-cv-03958-JSW

**ORDER GRANTING MOTION FOR  
RECONSIDERATION**

Re: Dkt. No. 110

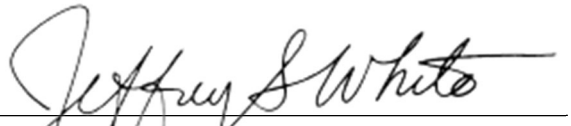
The Court has received Apple's motion for reconsideration of the Court's Order dated October 18, 2022. (Dkt. No. 105.) A motion for reconsideration may be made on one of three grounds: (1) a material difference in fact or law exists from that which was presented to the Court, which, in the exercise of reasonable diligence, the party applying for reconsideration did not know at the time of the order; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the Court to consider material facts or dispositive legal arguments presented before entry of judgment. N.D. Civ. L.R. 7-9(b)(1)-(3). The moving party may not reargue any written or oral argument previously asserted to the Court. *Id.*, 7-9(c). Apple contends the Court's decision to deny AliveCor's motion to seal portions of its reply and supporting declaration constituted a manifest failure by the Court to consider material facts which were presented to the Court.

The Court has reviewed the record, specifically Apple's September 20, 2022 declaration supporting the sealing request in Plaintiff's September 19, 2022 Administrative Motion to File Under Seal, which the Court previously overlooked. Based on the information in that declaration, the Court finds "cause seen by it to be sufficient" to reconsider its October 18, 2022 order in part. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001).

1 Accordingly, the Court hereby GRANTS Apple's Motion for Reconsideration. The Court  
2 GRANTS AliveCor's Administrative Motions to File Under Seal. (Dkt. Nos. 94, 98.) No party  
3 shall file publicly the information redacted in the papers filed at Dkt Nos. 95, 95-1, 97-1, 97-2.  
4 All materials filed under seal in connection with AliveCor's Administrative Motions to File Under  
5 Seal (Dkt. Nos. 94, 98) SHALL REMAIN UNDER SEAL.

6 **IT IS SO ORDERED.**

7 Dated: October 25, 2022

8   
9 JEFFREY S. WHITE  
United States District Judge

United States District Court  
Northern District of California